DPS:mh

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of Minnesota

UNITED STATES OF AMERICA

v.

Case No. 16-MJ-353 FLN

NICHOLAS JAMES NELSON

CRIMINAL COMPLAINT

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about April 9, 2016, in Anoka County, in the State and District of Minnesota, defendant,

aiding and abetting and being aided and abetted by others, possessed with the intent to distribute 500 grams or more of a mixture and substance containing a detectable amount of methamphetamine,

in violation of Title 21, United States Code, Section(s) 841(a)(1), 841(b)(1)(A) and 846.

I further state that I am a(n) Special Agent and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒Yes ☐ No

Complainant's signature

JESSE PLACE, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 5/13/16 3:40 pm

Judge's Signature

City and State: Minneapolis, MN

Franklin L. Noel, U.S. Magistrate Judge

Printed Name and Title

SCANNED
MAY 16 2016
U.S. DISTRICT COURT MPLS

STATE OF MINNESOTA)
) ss. AFFIDAVIT OF JESSE PLACE
COUNTY OF HENNEPIN)

1. Your affiant, Jesse Place, is a Special Agent with the Drug Enforcement Administration. Your affiant has been employed with the Drug Enforcement Administration since September 2015 and serving as a federal law enforcement officer since 2008. Your affiant is currently assigned to the Minneapolis-St. Paul District Office (MSPDO), and in this capacity has received specialized training from the United States Department of Justice along with experience in the investigation of controlled substance crimes. Your affiant has conducted an investigation into the facts and circumstances contained herein and believe them to be true.

2. In September of 2015, Detectives with the Anoka Hennepin Drug Task Force (AHDTF) initiated an investigation into the drug activity of Nicholas NELSON based on information received from a Confidential Informant (CI). The CI advised law enforcement that NELSON was involved in the sale of multi-ounce to multi-pound quantities of methamphetamine.

3. In November 2015, NELSON was stopped for a traffic violation. During a subsequent search of NELSON'S vehicle, officers recovered approximately 160 grams of a substance containing methamphetamine. NELSON was also in possession of over $5000 in cash.

4. After his arrest, officers obtained a search warrant for NELSON'S residence, and they recovered approximately 230 grams of methamphetamine. NELSON was

charged with Controlled Substance Crime in the First Degree in Anoka County. NELSON bailed out of jail.

5. On March 10, 2016, an AHDTF CI conducted a controlled purchase of methamphetamine from NELSON while he was out on bail on his November case. The CI placed an order of methamphetamine with NELSON who provided the CI with a location to conduct the transaction. The CI received a phone call from the Nelson's accomplice, who stated she was at the location given by NELSON waiting for the CI. The CI purchased approximately 15.99 grams of suspected methamphetamine. The suspected methamphetamine was later field tested, and was positive for the presence of methamphetamine.

6. On March 16, 2016, an AHDTF CI conducted another controlled buy from NELSON. The CI placed an order for a quantity of methamphetamine with NELSON who provided the CI with the location to conduct the transaction. The CI received phone calls from NELSON changing the buy location several times before finally making the controlled purchase of approximately 9.16 grams of suspected methamphetamine. The suspected methamphetamine tested positive for the presence of methamphetamine.

7. On April 9, 2016, a CI provided information to AHDTF that NELSON was staying at the Country Inn and Suites located at 2550 Freeway Blvd, Brooklyn Center, Minnesota. NELSON was located at this address by law enforcement and subsequently arrested for probable cause 1st Degree Sale of a controlled substance, based on prior controlled purchases of methamphetamine by AHDTF. While surveillance was being

conducted at the hotel, detectives observed NELSON pushing a cart with personal property toward the hotel. Detectives apprehended NELSON without incident and removed NELSON from the scene. A certified K-9 positively alerted to the odor of narcotics on NELSON's vehicle and NELSON's personal property, specifically NELSON's backpack. A search warrant for NELSON'S property was signed and executed. AHDTF officers located three bags of methamphetamine totaling 1327 grams in NELSON's backpack.

8. During the course of this investigation, AHDTF utilized several search warrants for GPS tracking devices on vehicles utilized by NELSON between February 6, 2016 and March 30, 2016. Data from the court authorized GPS tracking devices on vehicles utilized by NELSON showed the vehicles in the area of 6XXX Kyle Avenue N., Brooklyn Center, Minnesota, (hereafter "6XXX Kyle Avenue") at least 17 times throughout the investigation.

9. On April 21, 2016, AHDTF conducted a trash pull from the curb of 6XXX Kyle. AHDTF recovered a package addressed to Dolores Ludmila CASTILLO at 6XXX Kyle, packaging consistent with the distribution of narcotics (positive ion scan for cocaine), and a Home Depot invoice for appliances at 2XXX Mickey Lane, Maplewood, Minnesota (hereafter "2XXX Mickey Lane").

10. On April 28, 2016, AHDTF conducted a trash pull from the curb of 6XXX Kyle Avenue. AHDTF recovered Money Gram receipts sent to four different people in Mexico totaling $2,189.99, packaging consistent with the distribution of narcotics

(positive ion scan for cocaine), plastic rubber gloves (positive ion scan for cocaine and methamphetamine), numerous tall black kitchen garbage bags which did not appear to contain trash, and personal mail from Assurant Solution addressed to Dolores CASTILLO at 6XXX Kyle Avenue dated April 20, 2016 listing CASTILLO's phone number as 763-744-7773.

11. Agents subpoenaed call records for 763-744-7773; toll analysis was conducted by agents for this number. Agents noted that 763-744-7773, was in contact with 612-790-2328 (NELSON) on three occasions in the month of April 2016. Additionally, agents noted that NELSON received a text message on 612-790-2328 on April 09, 2016, from 651-432-7629. Agents are aware that 612-790-2328 is/was utilized by NELSON and that a phone with this number assigned was located in his possession on April 9, 2016, when NELSON was arrested for 1st Degree Sale of a controlled substance.

12. On May 9, 2016, Agents from the DEA and AHDTF executed a search warrant at 6XXX Kyle Avenue and seized a multiple pounds of suspected methamphetamine.

13. Also located in the residence were documents showing residency by CASTILLO and Francisco SILVESTRE-MARTINEZ to include a rental agreement for the house listing CASTILLO as the primary renter and several mailings.

14. Based on the foregoing, there is probable cause to believe that on or about April 9, 2016, in Anoka County, Minnesota, in the State and District of Minnesota, Nicholas James NELSON aiding and abetting and being aided and abetted by another

possessed with the intent to distribute 500 grams or more of a mixture and substance containing a detectable amount of methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(A).

Further your affiant sayeth not.

JESSE PLACE, Special Agent
Drug Enforcement Administration

SUBSCRIBED and SWORN to before me this 13th day of May, 2016.

FRANKLIN L. NOEL
United States Magistrate Judge